REMARKS

Further consideration of the subject application in light of the remarks which follow is hereby respectfully requested. Claims 1 through 41 are pending.

REJECTION BASED ON OBVIOUS-TYPE DOUBLE PATENTING

Claims 1-44 stand rejected over the pending claims of U.S. Application Serial No. 09/574,432. The rejection is respectfully traversed.

The Office Action stated that the Terminal Disclaimer for U.S. Application Serial No. 09/574,432 submitted by Applicants in a Response dated August 21, 2003, could not located. Enclosed is a copy of the Terminal Disclaimer that was submitted with the August 21, 2003 Response.

Withdrawal of this rejection is respectfully requested.

REJECTION BASED ON 35 U.S.C. § 102/ 35 U.S.C. § 103

Claims 1-41 stand rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over U. S. Patent 4,680,170 (Lowe et al.). The Action states that Example 1 of Lowe et al. inherently forms the macrostructures set forth in Claims 1-41. This rejection is respectfully traversed.

Before making direct comments on Example 1 of Lowe et al., Applicants wish to reiterate some comments regarding the deficiencies of Lowe et al.

Lowe et al. has no intent or desire to make macrostructures, such as the macrostructures set forth in Claims 1-41. This can be seen in Lowe et al., Column 2, lines 11-31, where Lowe et al. states that the purpose for the resin is pH control. According to Lowe et al., consistent

pH of the zeolite synthesis gel results in the formation of zeolite crystals with uniform size and composition (Column 2, lines 14-17) and larger yields (Column 2, lines 28-31).

Perhaps more telling is the sentence located in Column 2, lines 56-58, of Lowe et al. That sentence states that the resin can be readily separated and regenerated. If resin is used to make macrostructures, it can not be readily separated and regenerated. The resin has to be destroyed. The reason that the resin must be destroyed is that the resulting product is formed inside the pores of the resin. The only way to free up the product is to destroy the resin such as by burning or chemical dissolution.

These passages of Lowe et al. (as well as others) show that Lowe et al. is concerned with making zeolite crystals, and not macrostructures.

Applicants now direct comments to Example 1 of Lowe et al. The Office Action states that Example 1 of Lowe et al. would inherently make macrostructures. Applicants respectfully disagree.

Inherency based on Example 1 of Lowe et al. is supportable only if process of Example 1 would inevitably make the macrostructures of Claims 1-41.

A comparison of Example 1 of Lowe et al. for making zeolite crystals is different Example 1 of the present application. In Example 1 of Lowe et al., the gel composition contains 548.13 grams of synthesis gel and 90 grams of resin. This calculates out to a ratio of synthesis gel to resin of 6.09 to 1. In Example 1 of the present application, the gel composition contains 22 grams of synthesis gel and 1.1 gram of resin. This calculates out to a ratio of synthesis gel to resin of 20 to 1. Therefore, the gel compositions of the two examples are different.

Also, in Example 1 of Lowe et al., resin is added to the synthesis gel, while in Example 1 of the present application the synthesis gel is added to the resin.

Formation of the gel composition is important because in forming macrostructures, the synthesis composition must enter the pores of the resin so that macrostructures can form within the resin.

Applicants respectfully submit that Example 1 of Lowe et al. does to form a basis to reject Claim 1-41 under inherency. Withdrawal of this rejection is respectfully requested.

Applicants submit that all Claims are in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

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